

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL C. WASHINGTON,)	
)	
<i>Plaintiff,</i>)	
v.)	
)	Case No. CIV-20-266-D
CITY OF OKLAHOMA CITY <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

O R D E R

This matter comes before the Court on Plaintiff Michael C. Washington’s Motion to Amend [Doc. No. 35]. Specifically, Plaintiff seeks to amend his original pleading, filed in state court, to name the correct defendants.

“[T]he grant of leave to amend the pleadings pursuant to Rule 15(a) is within the discretion of the trial court.” *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 330 (1971). Rule 15 states that “leave shall be freely given when justice so requires.” FED. R. CIV. P. 15(a). The purpose of the Rule is to provide litigants “the maximum opportunity for each claim to be decided on its merits rather than on procedural niceties.” *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1204 (10th Cir. 2006). Considered under this standard and for good cause shown, Plaintiff’s motion is GRANTED.

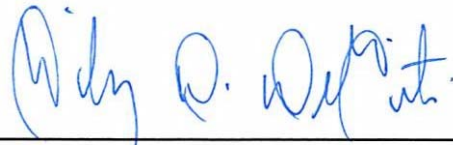
Having granted the motion, the pending motions to dismiss the original pleading are moot. *See, e.g., Essex Ins. Co. v. Sheppard & Sons Constr., Inc.*, No. CIV-12-1022-D, 2015 WL 11752917, at *10 (W.D. Okla. July 9, 2015) (denying “[a defendant’s] motion to dismiss as moot due to filing of amended complaint which supersedes original complaint

and renders it of no legal effect”); *Strich v. United States*, 2010 WL 14826, at *1 (D. Colo. Jan. 11, 2010) (“The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded.”); *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, 2009 WL 1140185, at *1 (D. Kan. Apr. 28, 2009) (finding that an amended complaint superseded an original complaint and “accordingly, defendant’s motion to dismiss the original complaint [was] denied as moot”); *accord Baca v. Quick Bail Bond & Tax Serv.*, No. CV 18-16 JCH/GBW, 2018 WL 3862744, at *1 (D.N.M. Aug. 14, 2018).

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Amend [Doc. No. 35] is GRANTED. Plaintiff shall file an Amended Complaint within twenty-one (21) days of the issuance of this Order.

IT IS FURTHER ORDERED that Defendants’ Motions to Dismiss [Doc. Nos. 13–19] are DENIED AS MOOT.

IT IS SO ORDERED this 13th day of May, 2020.



TIMOTHY D. DeGIUSTI
Chief United States District Judge